

REMARKS

Reconsideration of claims 1, 3, 6, 7, 10, 12, 15, 17 and 19 and consideration of new claims 24-33 is respectfully requested. Claims 1, 3, 6, 7, 10, 12, 15, 17 and 19 have been amended to compositions comprising one or more poloxamer or poloxamine nonionic surfactants with an HLB value of less than 12 and one or more of the recited antimicrobial agents, and methods of cleaning contact lenses with the compositions. Claims 2, 4, 5, 8, 9, 11, 13, 14, 16, 18 and 20-23 are cancelled including multiple dependent claims 13 and 14. Also, multiple claim dependency has been deleted in amended claim 12.

Claims 2, 8 and 12 were rejected under 35 USC 112, second paragraph and have been canceled.

The rejection of claims 1-23 under 35 USC 102(b) as anticipated by Xia (US6,369,112) is respectfully traversed with respect to the amended claims. There is no description in the '112 patent of a composition to disinfect and clean contact lenses comprising both a poloxamer or poloxamine having "a HLB value of less than 12, and one or more antimicrobial agents selected from the group consisting of [4-tris(2-hydroxyethyl)ammonio]-2-butenyl- ω -[tris(2-hydroxyethyl)ammonio] dichloride and poly(hexamethylene biguanide)". For example, all of the specific poloxamines recited in the '112 patent (see, col. 7, l. 4-6 and Table 1 below) have an HLB value of 18 or greater.

Table 1

Tetronic#	707	908	909	1508	1107
HLB	27	31	32	27	18-23

The claims have been restricted to a contact lens solution that comprises both a poloxamer or poloxamine having "a HLB value of less than 12, and one or a mixture of the recited antimicrobial agents. This combination of solution components is not taught or suggested in the '112 patent. Accordingly, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1-23 under USC 102(b) as anticipated by Ellis et al (US 5,405,878) is respectfully traversed with respect to the amended claims. There is no

description in the '878 patent of a composition to disinfect and clean contact lenses comprising both a poloxamer or poloxamine having "a HLB value of less than 12, and one or more antimicrobial agents selected from the group consisting of [4-tris(2-hydroxyethyl)ammonio]-2-butenyl- ω -[tris(2-hydroxyethyl)ammonio] dichloride and poly(hexamethylene biguanide)". For example, the Pluronic surfactants listed in column 5 of the patent have a reported HLB of from 15 to 22 (Pluronic P85 is 15/16 and Pluronic F127 is 22).

Because the claimed combination of solution components is not taught or suggested in the '878 patent, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1-6, 8-16 and 18-23 under 35 USC 102(b) as anticipated by Krezanoski et al. (US 4,046,706) is respectfully traversed with respect to the amended claims. There is no description in the '706 patent of a composition to disinfect and clean contact lenses comprising both a poloxamer or poloxamine having "a HLB value of less than 12, and one or more antimicrobial agents selected from the group consisting of [4-tris(2-hydroxyethyl)ammonio]-2-butenyl- ω -[tris(2-hydroxyethyl)ammonio] dichloride and poly(hexamethylene biguanide)". For example, only one of the specific poloxamines recited in the '706 patent (see, col. 6, l. 32-34 and Table 2 below) has an HLB value of 12 or less, i.e., L62. Nevertheless, there is no teaching of combining any one of the listed Pluronics with one of the two claimed antimicrobial agents, each of which is not described in the '706 patent.

Table 2

Pluronic#	L44	L62	L64	F68	F108	F127
HLB	16	7	15	29	27	22

Again, the claims have been restricted to a contact lens solution that comprises both a poloxamer or poloxamine having "a HLB value of less than 12, and one or a mixture of the recited antimicrobial agents. This combination of solution components is not taught or suggested in the '706 patent. Accordingly, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1-5, 7-14, 16-23 under 35 USC 102(b) as anticipated by Winterton (EP 0 439 429A2) or Winterton (EP 0 524 150A2) is respectfully traversed with respect to the amended claims. Applicants submit that there is no description of combining one of the two claimed antimicrobial agents with the described low HLB poloxamine or poloxamer surfactants. Accordingly, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1-6, 8-16 and 18-23 under 35 USC 102(b) as anticipated by Vigh (WO 95/01414) is respectfully traversed with respect to the amended claims. None of the Pluronic surfactants listed on page 5, lines 32-33 have a HLB value of less than 12. Those values are provided in Table 3 and 4. Nor is there any description of the two claimed antimicrobial agents in Vigh. Accordingly, applicants respectfully request that the rejection be withdrawn.

Table 3

Pluronic#	L64	F68	F87	F88	F98	P65	P75
HLB	15	29	24	28	26	16	17

Table 4

Pluronic#	P84	P85	P104	P105
HLB	14	15	13	15

The rejection of claims 1-23 under 35 USC 103(a) as unpatentable over Vigh (WO 95/01414) in view of Winterton (EP 0 439 429A2 or EP 0524 150A1, hereafter "Winterton") is respectfully traversed with respect to the amended claims. Neither Vigh or Winterton provide any description of the two claimed antimicrobial agents. Accordingly, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1-5, 8-14 and 18-23 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-19 of US Patent No. 6,369,112B1 is respectfully traversed with respect to the amended claims. The claims of the '112 patent are directed to contact lens solutions that comprise tyloxapol and a phosphate sequestering agent (see, claims 1 and 8), or tyloxapol and a metal carbonate or bicarbonate (see, claim 15). More importantly, there is no teaching or suggestion in the

'112 patent of using a poloxamer or poloxamine having "a HLB value of less than 12". Accordingly, applicants respectfully request that the rejection be withdrawn.

Because a greater number of claims were canceled than added applicants believe that no additional fee is due. However, if applicants are incorrect in this regard, please charge any additional fees or credit overpayment to Deposit Account No. 02-1425.

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Respectfully submitted,



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